

Mr. President, no appropriations have been provided for fiscal year 1985 to cover such expenses, and the 1985 fiscal year begins on October 1, 1984. It is imperative that we pass this legislation so that we do not disrupt the marketing and distribution of U.S. grain. Also, passage of the bill will ensure annually savings of taxpayers' dollars totalling over \$13 million a year for each of the next 4 years.

Mr. President, there are several other changes in current law incorporated in H.R. 5221. The measure increases the cap on administrative and supervisory cost from 35 to 40 percent of total inspection costs. Retention of the cap at 40 percent will promote effective management of the grain inspection and weighing programs and still provide an effective limit on agency growth.

Another provision which is extended by the bill is the requirement for the establishment of an advisory committee constituted of experts in the industry to advise the Administrator of FGIS on the implementation of the United States Standards Act. I believe that the beneficial work of the Advisory Committee should be continued.

Under current practice, the FGIS revolving fund, consisting of user fees paid for services rendered to the grain industry, has been maintained in a U.S. Treasury account until needed by FGIS to pay its operating expenses. H.R. 5221 would allow the Secretary of Agriculture to invest user fee moneys collected from the industry in insured or fully collateralized, interest-bearing accounts or in U.S. Government debt instruments. This change would result in grain industry paid user fees being treated in a manner similar to user fees collected by the Government in connection with warehouse examination programs, as well as cotton classing and various other inspection or grading programs for agricultural commodities such as meat, poultry, eggs, fruits, and vegetables under the Agricultural Marketing Act of 1946. This change would put the grain inspection and weighing program on a basis comparable with these other programs, provide additional revenues for FGIS operations, and reduce the need for the agency to increase user fee charges or request additional appropriations.

Finally, the bill prohibits the establishment of a new class of wheat, designated "Red Wheat," as was proposed by the Administrator of the Federal Grain Inspection Service in volume 49 of the Federal Register, pages 1730-35, on January 13, 1984. The concern is that establishing this new class of wheat could result in some types of Hard Red Winter Wheat being discounted to a lower price. Representatives of the grain industry have stated that establishment of an eighth wheat class would disrupt the wheat market. I would like to note that the Department of Agriculture indicated in a notice published in the Federal Regis-

ter on May 16, 1984, that the Department had decided not to establish a new "Red Wheat" class as previously proposed.

Mr. President, implementation of user fees, and input by the Advisory Committee, have resulted in increased efficiency of program administration as well as a more cost-effective delivery of program services. Passage of H.R. 5221 will maintain efficiency in the national grain inspection and weighing system and maintain the quality of grain exported from the United States. I urge its passage.

Mr. HUDDLESTON. Mr. President, H.R. 5221 would extend, for 4 years, the current grain inspection and weighing user fee system.

The current fee system was implemented as a result of changes in the law—effective for the 1982 through 1984 fiscal years—made by the Omnibus Budget Reconciliation Act of 1981. Without action by Congress, the authority for the current system provided in the 1981 legislation will end this Sunday, September 30.

The most important change in the fee system made in 1981 was to require the Federal Grain Inspection Service to collect reasonable fees to cover the Service's costs incurred in supervising grain inspection and weighing. These fees, together with the fees charged by the service for inspection and weighing performed by the Service itself, have enabled the Service to cover the bulk of its costs with funds paid by the users of grain inspection and weighing services.

The administration supports an extension of the current user fee system and has requested that enabling legislation be enacted.

The bill would also increase—from 35 percent to 40 percent—the portion of Federal Grain Inspection Service expenditures that can be devoted to administration and supervision, while extending the percentage limitation for 4 years. The increase in the limitation has been made necessary by the substantial reduction in grain exports in recent years. The supervision program overseeing the national grain inspection and weighing system has substantial fixed costs that should be maintained, even though Federal inspections and weighing activities are down temporarily. The grain trade has indicated a willingness to accept this increase.

The bill would extend—for 4 years—the requirement for the establishment of an advisory committee of industry experts to advise the Government on the implementation of the U.S. Grain Standards Act. The advisory committee has served the Federal grain inspection and weighing program well, and the beneficial work it does should be continued.

The bill would authorize the Secretary of Agriculture to invest moneys of the grain inspection and weighing user-fee fund in interest-bearing accounts. This will result in grain indus-

try-paid user fees being treated in a manner similar to user fees collected in connection with other Federal inspection or grading programs for agricultural commodities. It will also provide additional revenues for Federal Grain Inspection Service operations and reduce the need for the agency to increase user charges or request additional appropriations.

Mr. President, the efficient operation of the national grain inspection and weighing system is important to U.S. farmers. This system is essential to the orderly and timely marketing of grain, and provides assurances to our foreign customers as to the quality and quantity of grain they purchase.

I urge the Senate to act expeditiously on this bill to avoid any possible disruption of the Federal Grain Inspection Service's supervisory operations or the smooth functioning of the national inspection and weighing system.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was read the third time and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. STEVENS. Mr. President, I call the attention of the Democratic leader to Calendar No. 1221 and Calendar No. 1250.

Mr. BYRD. There is no objection.

Mr. STEVENS. 1251.

Mr. BYRD. No objection.

Mr. STEVENS. 1252.

Mr. BYRD. No objection.

Mr. STEVENS. 1255.

Mr. BYRD. There is no objection.

Mr. STEVENS. 1256.

Mr. BYRD. There is no objection.

Mr. STEVENS. 1257.

Mr. BYRD. There is no objection.

CENTRAL INTELLIGENCE AGENCY INFORMATION ACT

The Senate proceeded to consider the bill (H.R. 5164) to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes.

Mr. GOLDWATER. Mr. President, I rise in strong support of H.R. 5164, the Central Intelligence Agency Information Act. The purpose of this legislation is to amend the National Security Act of 1947 in order to relieve the Central Intelligence Agency of the unproductive burden of searching and reviewing certain operational files under the Freedom of Information Act. This relief will enable the CIA to become more efficient so that requests under

the provisions of the Freedom of Information Act may be answered more quickly.

BACKGROUND OF LEGISLATION

On June 21 and June 28, 1983, the Senate Select Committee on Intelligence held open hearings on S. 1324—the counterpart legislation to H.R. 5164. The Central Intelligence Agency, American Bar Association, American Civil Liberties Union, Association of Former Intelligence Officers, newspaper publishers, historians and journalists were all there to provide their comments on this bill. We listened to them carefully then we worked hard to combine all their special concerns into one piece of legislation.

The work in our committee included extensive staff and member consultations with CIA representatives. The end result was that even those Senators who expressed the greatest concern about the risk of excessive secrecy signed a joint statement supporting S. 1324, as it was amended in the course of committee debate. The statement, signed by Senators DURENBERGER, HUDDLESTON, INOUYE, and LEAHY, said in part:

We are satisfied that S. 1324 will serve not just the CIA's interest in preserving secrecy about sensitive intelligence operations, but the public's right to information about their Government. For these reasons we urge favorable Senate action on the bill.

Following our open hearings on this subject S. 1324 was reported unanimously from the Senate Intelligence Committee. Every single Senator on the committee voted in favor of this legislation. Subsequently, on November 17, 1983, this bill was passed unanimously by voice vote by the full Senate.

SECURITY CONCERNS

Mr. President, presently the Freedom of Information Act mandates that when someone requests information from the CIA on a certain subject, all CIA files containing such information have to be searched. Obviously, most responsive information in operational files is properly classified. But that does not end the Agency's job. An experienced person must go through stacks and stacks of these papers—sometimes they are many feet tall—to justify why almost every single sentence should not be released. If this is not done properly, a court could order the information released.

However, in the past, very little information has been released from CIA operational files, which are used to store information concerning the sources and methods used to collect intelligence. Even when information is released, it is fragmented and difficult to understand.

Also, there is always the risk there will be a mistake in disclosure or that some court could order the release of information which might unintentionally reveal a source's identity or liaison relationship. This is why these most sensitive operational files—and only such files—would be exempt from

search and review under the provisions of this bill.

GREATER EFFICIENCY IN PROCESSING

In return for this exemption, requesters under the Freedom of Information Act are going to get something as well. They are expected to get better service.

I have talked with officials of the Central Intelligence Agency and they have agreed not to reduce the budgetary and personnel allocations for Freedom of Information Act processing for 2 years immediately following passage of this bill. This means that, to the extent that resources are freed up as a result of this legislation, the Agency would utilize those resources to reduce the backlog of FOIA requests.

HOUSE ACTION ON H.R. 5164

Mr. President, on September 19, 1984, the House of Representatives, by a vote of 369 to 36, passed H.R. 5164, which has the same basic features as S. 1324. I think the overwhelming bipartisan support for this legislation demonstrates that this is a bill whose time has come. H.R. 5164 will effectively end a debilitating waste of resources without significantly diminishing the proper public release of information about the CIA. It will enable the CIA to respond more quickly and more efficiently to Freedom of Information Act requests. This legislation will also positively contribute to security in the conduct of intelligence activities.

Finally, a bipartisan House amendment to the legislation makes clear that the Privacy Act is not a nondisclosure statute displacing the disclosure provisions of the Freedom of Information Act. This provision restores the relationship between the Freedom of Information Act and the Privacy Act which was intended by the Congress when it considered both statutes in 1974.

During House debate on this legislation in March of this year, Representative WHITEHURST of Virginia, stated that "We have forged a bipartisan consensus on legislation to modify the application of the Freedom of Information Act to the Central Intelligence Agency." Representative WHITEHURST went on to say:

The bill is carefully crafted to achieve three purposes.

First, the bill will relieve the CIA from an unproductive FOIA requirement to search and review certain specifically defined CIA operational files consisting of records which, after line-by-line security review, almost invariably prove not to be releasable under the FOIA.

Second, the bill will provide more effective security for the identities and operational activities abroad of individuals who risk their lives and livelihoods to assist the United States by cooperating with the Central Intelligence Agency.

Third, the bill will improve the ability of the CIA to respond to FOIA requests from the public in a timely and efficient manner, while preserving undiminished the amount of information releasable to the public under the FOIA.

ADMINISTRATION POSITION

The Director of Central Intelligence has told us that H.R. 5164, as passed by the House of Representatives, will make an important contribution to the safeguarding of intelligence sources and methods. He also has said it will improve CIA responsiveness to Freedom of Information Act requests. The administration supports Senate acceptance of H.R. 5164 as passed by the House, and this is also the position of the American Civil Liberties Union.

I urge my colleagues to join me, Vice Chairman MOYNIHAN, and other members of the Senate Intelligence Committee in voting in favor of this legislation without amendment. I hope that we do not lose this opportunity to enact an important piece of legislation which will simultaneously enhance intelligence effectiveness and further the aims of the Freedom of Information Act.

In closing, I want to thank Senator THURMOND, the distinguished chairman of the Judiciary Committee, for his support in reintroducing this legislation last year. As well, I want to thank Senators MOYNIHAN, CHAFFEE, DURENBERGER, HUDDLESTON, and LEAHY for their time and interest in helping the committee to reach agreement on this bill. Finally, I want to thank Senator HATCH for his help and understanding in getting this legislation to the floor at this late date in this session.

Once again, I urge my colleagues to support this important legislation.

Mr. HUDDLESTON. Mr. President, the Senate passage today of the Central Intelligence Agency Information Act will mark the end of a long and difficult effort by several of us on the Intelligence Committee to find a way to help the CIA with some of its problems under the Freedom of Information Act. It has taken over 5 years since CIA Director Stansfield Turner came to us with the proposal to exempt the CIA's most sensitive operational files from search and review under the FOIA.

The Intelligence charter legislation which I introduced as the National Intelligence Act of 1980 included this proposal. Although the charter was not enacted, several of its provisions have become law as separate legislation since 1980. The CIA Information Act carries on the process of building a new framework for a strong and effective CIA that continues to respect the principles of our free society.

The fact that this bill is fully supported by the CIA, the administration, and the American Civil Liberties Union makes it an extraordinary achievement. Great credit is due to Senator GOLDWATER who, as chairman of the Intelligence Committee, recognized over a year ago that the time had come to reach an agreement between the CIA and those concerned about public access to Government information.

Two individuals should be singled out for their role in breaching the barriers that appeared to block legislative action on this problem. They are Mr. Mark Lynch of the American Civil Liberties Union and Mr. Ernest Mayerfeld of the Central Intelligence Agency, outstanding lawyers who vigorously represented opposing viewpoints and successfully framed the basic elements of a bill that could serve the interests of both sides.

The broad consensus that has developed in support of this legislation reflects the bipartisan approach that the Intelligence Committee has consistently taken, over the years since the Select Committee was established. For this bill to work its way through the House and Senate, it was important to have an Intelligence Committee in each body that could work closely with other committees and members to accommodate their concerns.

It is my hope that the two Intelligence Committees can, in the years ahead, continue addressing the practical problems of our intelligence community in the same manner.

As a result of this legislation, the American people should have greater confidence that the men and women who serve their Nation at the CIA are fully committed to the maintenance of our open society. As the committee reports on H.R. 5164 and S. 1324 state,

The Agency's acceptance of the obligation under the FOIA to provide information to the public not exempted under the FOIA is one of the linchpins of this legislation. The Act has played a vital part in maintaining the American people's faith in their government, and particularly in agencies like the CIA that must necessarily operate in secrecy. In a free society, a national security agency's ability to serve the national interest depends as much on public confidence that its powers will not be misused as it does on the confidence of intelligence sources that their relationships with the CIA will be protected.

The CIA Information Act is an outstanding legislative accomplishment that should meet both the CIA's need to reassure its sources and the public's need for improved CIA responsiveness to FOIA requests. Therefore, I strongly urge the Senate to pass H.R. 5164 and express my thanks to all those who have worked so hard on this legislation.

Mr. LEAHY. Mr. President, I am indeed pleased that the Senate is accepting the House revisions to the Central Intelligence Agency Information Act. This means that the important legislation will soon become law. Two major goals will be accomplished: The Central Intelligence Agency will be relieved of the obligation to search and review its sensitive operational files, from which it almost never releases information in response to Freedom of Information Act requests. At the same time, relief from this obligation will enable the CIA to respond in a more timely way to FOIA requests not involving its operational files.

Thus, both the CIA and the user of FOIA will benefit.

When S. 1324 first came to the Select Committee on Intelligence for hearings, I had considerable reservations about it. In fact, I doubted that it could, in its original form, pass the Senate. Nevertheless, I believed the basic arguments made by the CIA in support of the bill made sense. The Agency said that the FOIA requirement that it search and review its operational files, which contain the most sensitive data on intelligence sources, broke down the vital compartmentation necessary to protect the identities of sources. Moreover, the Agency said that it virtually never releases information from its operational files, and never any significant information. Yet, the requirement to search and review those files contributed greatly to the growing backlog of FOIA cases of the Agency. Relief from the search and review of operation files would thus not only improve security, but would improve the CIA's FOIA performance.

The fact that the ACLU shared the CIA's views also indicated that, with some improvements and modifications, S. 1324 could be made acceptable to those of us who believe the FOIA is an indispensable bulwark of the public's right to know what their government is doing. In an intensive series of meetings with representatives from the ACLU, CIA, Department of Justice, press groups and others, I and other members of the Select Committee on Intelligence worked to amend the original language. We were successful, thanks in large part to the constructive attitude of the CIA, ACLU representatives, and others from private interest groups, as well as the leadership of several members of the Select Committee on Intelligence.

When S. 1324 went to the House, further changes were made. In my judgment, these House amendments have additionally strengthened the bill's protections against misuse of the exemption being granted the CIA from search and review of its operational files. The Central Intelligence Agency Information Act will provide that FOIA may still be used by individuals to request any information held by the CIA on themselves. It will permit continued search and review of files on covert actions where the existence of the operation is not exempt from disclosure under the FOIA. It will also permit continued search and review of matters which are the subject of official investigations for illegality or impropriety. The bill also continues the present FOIA standard for judicial review. Finally, in an important amendment introduced in the House, the bill prohibits the use of the Privacy Act as a basis for nondisclosure under section (b)(3) of the FOIA. This closes a potential loophole created by recent ambiguous court decisions.

Mr. President, this is an important piece of legislation, which I believe will serve the interests of both the Central Intelligence Agency and the public. It has come a long way since it was first introduced and referred to the Select Committee on Intelligence. I am pleased to have been a part of the process which led to its present form.

I also want to applaud the efforts of Eric Newsom and John Podesta of my office for their help.

I am well aware of the hours and hours they spent negotiating in my conference room, with all the parties involved. The final product was worth it.

The bill was ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN REAL PROPERTY

The bill (S. 2721) to confirm a conveyance of certain real property by the Southern Pacific Transportation Company to Ernest Pritchett and his wife, Dianna Pritchett, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyance described in section 2(a) of this Act involving certain real property in Jackson County, Oregon, forming a part of the right-of-way granted by the United States to the California and Oregon Railroad Company under the Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the Central Pacific Railroad, in California, to Portland, in Oregon", approved July 25, 1866 (14 Stat. 239), is confirmed in Ernest Pritchett and his wife, Dianna Pritchett, the grantees in such conveyance, and their successors in interest, with respect to all interests of the United States in the rights to the real property described in section 2(b) of this Act.

SEC. 2. (a) The conveyance confirmed by this Act was made by a deed dated July 23, 1982, by the Southern Pacific Transportation Company to Ernest Pritchett and his wife, Dianna Pritchett, and recorded on October 20, 1982, in the official records of Jackson County, Document Numbered 82-15174.

(b) The real property referred to in the first section of this Act is a parcel of land in the northwest quarter of section 26, township 36 south, range 4 west, Willamette Meridian, County of Jackson, State of Oregon, more particularly described as follows:

Commencing at the west quarter corner of such section 26; thence south 89 degrees 46 feet 45 inches east along the southerly line of such northwest quarter of section 26 a distance of 1082.50 feet to a point in a line parallel with and distant 100 feet northeasterly, measured at right angles, from the original located center line of Southern Pacific Transportation Company's main track (Siskiyou Branch), and also the true point of beginning of the parcel to be described; thence north 65 degrees 2 feet 35 inches west along such parallel line 1191.92 feet to the westerly line of such section 26; thence south zero degrees 12 feet 52 inches west